

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO: 3:17-CR-81-MOC-DCK**

**UNITED STATES OF AMERICA,**

**vs.**

**DARIOUS DEMAINE WESTON,**

Defendant.

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**ORDER**

**THIS MATTER** comes before the Court on Defendant's *pro se* motions, both of which are titled "Motion for Writ of Habeas Corpus Under Federal Rules of Civil Procedure Rule 60(b)(5)." (Doc. Nos. 62, 63). Defendant has submitted no grounds whatsoever in his motions for obtaining relief under Rule 60(b)(5). Furthermore, to the extent Defendant seeks to vacate, set aside, or correct his sentence, he must file a motion under 28 U.S.C. § 2255.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Defendant's *pro se* motions, both titled "Motion for Writ of Habeas Corpus Under Federal Rules of Civil Procedure 60(b)(5), (Doc. Nos. 62, 63), are both **DENIED**.

Signed: December 28, 2020

  
Max O. Cogburn Jr.  
United States District Judge